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United States District Court
Eastern District of Missouri

Todd Jeude - Plaintiff, Pro-Se

v.

SSM St. Clare Hospital

Koren Schram, PA

~~Mathew Hrastich, MD~~ Dr. David Brummett

~~John Doe, MD~~ Dr. Matthew Schwab

- Defendants.

June 29, 2024

Case No.

Judge

COMPLAINT:

42 U.S.C. § 1395 dd,

EMTALA,

§538R.S.Mo.

United States District Court
Eastern District of Missouri

| | | |
|----------------------|---|----------|
| Jeude |) | |
| Plaintiff, Pro-se |) | |
| v. |) | Case No. |
| |) | |
| SSM St. Clare, et al |) | |
| Defendants |) | |

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Civil Cover Sheet

Plaintiff:

Todd Jeude 35912-044
USP

P.O. Box 5000

Yazoo City, MS 39194
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Emergency Contact:

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St. Louis, MO 63119
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Todd xxx-xx-7765 02-01-1973 51 y/o Male

Action/Civil:

42 USC §1395dd
EMTALA
§538R.S.Mo.

I.F.P. Application

Appt. Counsel

Defendants:


1. SSM St. Clare Hospital (Fenton Missouri)
2. Koren Schram P.A.
3. ~~Mathew Hrastich M.D.~~ David Brummett MD
4. ~~John Doe M.D.~~ Matthew Schwab MD

Address for All defendants:

SSM St. Clare Hospital
1015 Bowles Ave
Fenton, MO 63026

Hospital General Counsel - Mr. Douglas Long

Respectfully Submitted,


Todd Jeude 35912-044
Plaintiff, Pro-Se

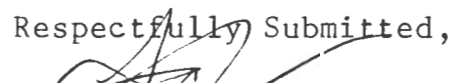
United States District Court
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| |) | |
| SSM. St. Clare Hosp., et al |) | |
| Defendants |) | |

Table of Authorities

42 USC §1395dd, EMTALA
§538 R.S.Mo.
42 USC §1395dd(d)(2)(A)
§1395dd(a) and (b)
Title 36 Revised Missouri Statutes, 537 and 538
28 USC §1331
28 USC §1367
28 USC §1391(b)(2)
28 USC §2201
Fed. R. Cu. P. Rule 57
Rule 8(a)(2)
Summers v. Baptist Med. Ctr. Arludelphia Ark 1996
§1395dd(e)(1)A(i),(ii),(iii)
Pennington-Thurman v. Christian Hosp. Northeast (8th Cir.)
Todd Jeude v. City of St. Louis, 4:22-cv-989MTS
§537 R.S.Mo.
28 USC §2201, Rule 57
28 USC §1746

Respectfully Submitted,


Todd Jeude 35912-044
Pro-Se,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Todd Jeude
Plaintiff, Pro-se,

v.

SSM St. Clare Hospital,
Koren Schram, P.A.,
~~Mathew Hrastich, M.D., David Brummett, MD~~
~~John Doe, M.D. Mathew Schram MD~~
Defendants.

Case No. _____
Judge _____

COMPLAINT:

pursuant to: 42 USC §1395dd, EMTALA, and,
pursuant to: §538 R.S.Mo. State Medical Claims

1. COMES NOW, Todd Jeude, Plaintiff, Pro-se in the above action, pursuant to F.R.C.P. Rules 7 and 8, and presents the following information for this Honorable Courts review of EMTALA and State Law claims of Medical negligence and malpractice;

A. BACKGROUND

2. Plaintiff was seriously injured in a motorcycle/ATV wreck requiring emergency medical care for his serious medical needs. Jeude was presented to the Defendant emergency room with obvious need ofr care due to visible injury and complaints of severe plain and impairments of body parts such as the use of his arm or being able to walk unassisted. Jeude disclosed with the Defendants that he did not have health insurance or the ability to pay for the services he needed and was requesting. As a result of this disclosure to the Defendants, Jeude was not treated with a standard of care reasonable to his injury. This substandard of care Jeude received caused further injury to Jeude resulting in weeks of further pain and suffering

due to an infection caused by a foreign object in Jeude's body as a result of the motorcycle wreck. Jeude was patched up, and bandaged up, but rolled out to the waiting area, unstabilized in a wheelchair, where he waited for a ride to pick him up.

B. PARTIES

3. Plaintiff- Todd Jeude is a native of St. Louis Missouri, currently in federal custody on a probation violation. Jeude has a release date of May 2025. His current address: Todd Jeude #35912-044 USP Yazoo, P.O. Box 5000, Yazoo City MS, 39194.
4. Defendant- SSM St. Clare Hospital, is a Critical Care Access Unit with emergency and ancillary services. St. Clare is a participating hospital for EMTALA purposes, and is located at: SSM. St. Clare Hospital, 1015 Bowles Ave. Fenton MO, 63026.
5. Defendant- Koren Schram, P.A. is a licensed physicians assistant in the State of Missouri, employed by SSM. St. Clare Hosp., and during relevant times to the subject matter of this claim was the primary physician who tended to Jeude on July 4, 2022, Ms. Schram has a business address of: SSM St. Clare Hosp. 1015 Bowles Ave, Fenton MO, 63026.
6. Defendant- ~~Mathew Hrastich~~, M.D. is a radiologist either employed or contract by SSM St. Clare to provide radiological services for patients of SSM St. Clare. He was the radiologist at all relevant times to the subject matter of this litigation who was responsible for providing prudent and careful service in regards to the taking, reading, and diagnosing images of this plaintiff's injuries. Dr. Hrastich has a business address of: SSM St. Clare Hosp. 1015 Bowles Ave Fenton MO, 63026.

*David Brummett M.D.
SAME info*

Matthew Schwab M.D. *Matthew Schwab M.D.*

7. Defendant- ~~John Doe~~, M.D., this defendant's identity is on the record as the ER. Chief or Physician Administrator, who, on July 4, 2022, was repsonsible, by law, to oversee and sign off on all medical orders and decisions of P.A. Schram as she tended Jeude in the defendant E.R. (Missouri low requires a physician to be in close proximity to P.A.'s in hospital E.R. units). Plaintiff will provide this doctors identity when the plaintiffs records catch up to him shortly. John Doe, M.D. also has an address of SSM St. Clare, 1015 Bowles Ave, Fenton MO 63026.

C. Jurisdiction

8. 42 USC §1395dd(d)(2)(A), provides for a civil action on behalf of of a participating hospitals violation of a requirement under the provisions of EMTALA, (§1395dd(a) or (b)).
9. Title 36, of the Revised Missouri Statutes, chapters; 537 and 538 provide actions in part for an individual who suffers personal injury, and personal injury against a medical provider, due to negligence and malpractice.
10. The primary claim at bar is a question of federal law, authorized pursuant to; 28 USC §1331, with state law pendant claims, authorized pursuant to this court's supplemental jurisdiction, provided by 28 USC §1367.
11. Venue is correct in this United States District Court, as the Easter District of Missouri is the geographical location where the events which had given rise to this claim occured, as prescribed by; 28 USC §1391(b)(2).
12. Authorized by 28 USC §2201, this court may grant declaratory relief

- pursuant to Fed. R. Cir. Pro. Rule 57, and finally,
13. According to Rule 8(a)(2), this plaintiff is entitled to relief against the defendant parties.

D. Facts

14. On July 4, 2022, Jeude presented to the Defendant hospital's emergency department (E.R.) at; 1015 Bowles Ave Fenton MO 63026, seeking emergency medical care, for serious bodily injuries he sustained after being involved in a motorcycle/ATV accident. Catina Misch of Enton Missouri presented Jeude to the ER desk as Jeude was unable to walk unassisted.
15. Jeude disclosed that he was uninsured and unable to provide payment for the medical he needed. Jeude was ushered off into an exam room where a medical tech followed. Inquiring of employment addresses and phone numbers and other financial matters.
16. Jeude was unable to disrobe himself and nurses began cutting sections of Jeudes clothing away in order to expose injuries.
17. Jeude could not move his right arm without unbearable seering pain ripping through his shoulder, neck and arm. On his forearm he was covered in road rash from his elbow, to wrist on the top portion of his forearm. His right leg was also injured and had a smaller area of road rash and other abrasions and contusions. Jeudes hands and knuckles were skinned and bruised. Jeude was wearing a helmet but still complained of pain on his right side.
18. P.A. Schram did a quick physical exam, flashlit the plaintiff's eyes and asked about head trama, or pain. She then ordered x-rays and a CT scan. Jeude was also given a narcotic pain pill at this time which had an effect on him. It made him extremely drowsy.
19. Jeude went through the x-ray and CT process and was brought back back into the ER exam room where nurses finished cleaning.,

cleansing and dressing Jeude's abrasions and obvious injuries.

Jeude dozed off and slept several times during this period.

20. P.A. Schram returned to discuss the radiological results. She informed Jeude that the x-rays were unremarkable as were the CT scans. Jeude was fitted with an arm sling, at this time to immobilize his injured arm.

21. P.A. Schram voiced her concern of the plaintiff's ability to fall asleep so often during an interview or exam. She further stated that she contemplated another CT scan, but wanted to discuss possible consequences. She explained these procedures to be very expensive and could subject a person to collections or other financial problems. This plaintiff asked whether or not this CT was mandatory, and she immediately replied absolutely not, completely precautionary. The plaintiff then asked if the roles were reversed, and it was her needing it done, she again said it was totally precautionary, and would probably reveal nothing.

22. Jeude asked about a treatment plan for his arm and shoulder as he was experiencing unbelievable waves of pain and could not move his arm. Ms. Schram informed this plaintiff that she was referring the plaintiff to an orthopedic and that the provider would order an MRI to better treat the injury. This plaintiff asked why that was not being done now considering the pain level and inability to move his arm, and P.A. Schram provided that the injury did not appear to be life threatening so the hospital would refer the issue out.

23. With that, this plaintiff was discharged while voicing concern about the uninterrupted pain in his arm and shoulder, and his inability to walk unassisted.

24. Jeude was put in a wheel chair, given discharge orders and rolled into the waiting area and then out to the porch to wait on his ride, unable to walk unassisted, or move his arm in anyway.
25. On July 6, 2022, Jeude was arrested for a supervised release violation in the city of St. Louis. Jeude was taken to South City Hospital on S. Broadway prior to being booked into the St. Louis Justice Center. Jeude was examined, rebandaged, issued another arm sling and ordered fit for confinement. Jeude also complained of head pain near his ear at this time.
26. Jeude was booked into the Justice Center, and four days later the pain in Jeude's ear and head had escalated to the point he screamed out in pain on several occasions. *See: Jeude v City of St. Louis*
27. By July 12, 2022, Jeudes ear was red, swollen, and hurt constantly with flashes of pain into his head.
28. Jeude self declared a medical emergency and was put on an expedited list to see Dr. Brenda Mallard, Corizon LLC. a contracted physician on staff at the Justice Center.
29. On July 14 2022, Jeude was seen by Dr. Mallard and by this time Jeude was dizzy with pain, literally.
30. Dr. Mallard examined all of Jeude's injuries, rebandaged him, ordered him more pain meds and a new arm sling. She then began the physical exam of Jeude's right ear. She touched his ear and he screamed out in pain. She ordered a nurse to inject a torque shot or something along that line. Within 15 minutes it numbed Jeudes body pretty effectively. She then resumed the exam. Dr. Mallard was able to peer down into Jeudes ear canal and was able to identify a blockage of some sort. She was unable to identify it by name or characterization, but that it was foreign

and should not be there. The plaintiff was unable to provide any clue other than the only traumatic event he had been subjected to was the motorcycle wreck. Dr. Mallard decided to extract the object. She retained Nurse Brown to assist and keep the plaintiff still.

31. Dr. Mallard locked onto the object and began the process of extracting the blockage back out of the plaintiff's ear canal. The process was excruciating and the plaintiff wished he would pass out. Suddenly it was out and the pressure was instantly released.
32. Dr. Mallard and the plaintiff studied the object and the plaintiff immediately identified it as the rubber ear fitting from his mp3 ear buds he had been wearing when riding the motorcycle. The fitting was covered in ear wax like a scablike material. Dr. Mallard identified the composites to appear to be the biproduct of infection. She ordered antibiotic ear drops to fight the infection.
33. The infection lasted another 10 days at which time Dr. Kelly examined the ear and discontinued the drops.
34. Several weeks expired and Jude obtained the medical record from his emergency room encounter at the defendant hospital's ER. After review of the record, it was determined that on July 4th 2022, Dr. ^{Brummett}~~Harstich~~ did not report anything remarkable on the CT Scan. However, there was no mention by P.A. Schram at executing a thorough ear, nose, and throat exam. As should have been done, and a little further yet into the record, in September, 2022, Dr. ^{Brummett}~~Harstich~~ and another radiologist revisited the scan of Jude's head. In this viewing, Dr. ^{Brummett}~~Harstich~~ reports; "slight curvilinear opacification of unknown etiology in the outer auditory canal,

view in clinic to..." revealing that on July 4th 2022, nothing was reported, nor did P.A. Schram indentify the foreign object despite reports of pain in the plaintiff's head around his ear.

35. This plaintiff filed suit in Jefferson County Circuit Court pursuant to §538RSMo. which was transfered to St. Louis County Circuit Court, and this plaintiff voluntarily dismissed as he was incarcerated in a county jail with literally no law library or ability to research.
36. After consulting and pointed out the obvious EMTALA undertones standard of care that shoudl have been triggerd by the plaintiff's injuries, but wasn't, and led to serious injury.
37. Jeude is now settled in at USP Yazoo City for the next 18 months and is able to devote the time necessary to prove his claim.
37. Jeude is currently waiting on the records to catch up to him here, but 42 USC §1395dd(d)(2)(A) has a two year statute which will expire on July 4, 2024. Jeude is filing now to preserve his right to allege these contained EMTALA violations, and for review of this court.
38. Furthermore, Jeude has also forwarded a \$7,500 claim for personal injury to; MR. Douglas Long, JD, General Counsel, Mr. John Nguyen and . . . in a good faith effort to avoid litigation. The Defendants have until the first of August 2024 to accept.

E. Legal Theory

Count 1

40. Jeude against defendant hospital; failure to appropriately screen, §1395dd(a)
- 41 Participating hospitals such as SSM st. Clare have a limited duty under 42 USC §1395dd to provide appropriate screening procedures and stabilization requirements to individuals who are presented to their ER's seeking emergency care for their serious medical needs.
- 42 See: Summers v. Baptist Med. CT. Arkedelphia Ark. Subsections (a) Medical Screening Requirements; "In the case that a hospital has an emergency department, if any individual comes to the emergency department and a request is made on the individuals behalf for an examination or treatment for a medical condition, the hospital must provide for an appropriate medical screening within the capabilities of the hospital ER including ancillary services routinely available to the ER to determine whether or not an emergency conditions exists (within the meaning of subsection (e)(1)).
- 43 Section (e)(1) provides;
- (1) the term, "emergency medical condition" means:
- (A) a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the abcense of immediate medical attentions could result in:
- (i) Placing the health of the individual in serious jeopardy.
- (ii) Serious impairment of a bodily function.
- (iii) Serious dysfunction of any bodily part or organ.
44. Jeude points out points of interest provided by St. Clare's own record of the encounter on 7-4-22.

45. St. Clare provided Jeude a quick patch up of his obvious bodily wounds and abrasions. However he was wheeled out to wait on a ride despite complaints of serious pain, the inability to use his arm or walk without assistance. His obvious injuries in fact diagnosed, and then treated and stabilized. However, his serious injuries were only glossed over and referred out to other specialists. An insured patient would never have been rolled into the waiting area, discharged waiting on a ride unable to use their arm or walk un-assisted.
46. Jeude was not investigatively diagnosed fully according to the hospital's own established protocols. Because the hospital did not want to be obligated to stabilize costly and prolific injuries.
47. This second best standard of care Jeude was given because he was uninsured, directly and proximately caused ~~and~~ Jeude further injury and severe pain.
48. Take for example Jeude's arm and shoulder injury. The hospital is aware that Jeude can not move his arm without excruciating pain. At this point the hospital has a duty to find out what the problem is. St. Clare did not do this. The defendant did x-ray to rule out breaks or fractures, but they stopped there and immobilized the arm. The normal protocol, when a patient exhibits the severe pain and dysfunction of a body part such as Jeude's would have been to order further radiological images to reveal the injury. Instead, deviating from that norm, the hospital patched Jeude up and rolled him out into the waiting room.
49. This "surface screening" that St. Clare provided Jeude, can never be said to have been reasonably calculated to identify and disclose serious injury. St. Clare may establish their own protocols for their ER, but once they do, they have a duty to provide that same protocol

equally, to all individuals regardless of their ability to pay.
see again: Summers v. Baptist Med. CTR.

50. St. Clare treated Jeude to the second best and sent him on his way in serious pain, with serious dysfunction of a body part, and a foreign object in his ear. This intentional deviation of hospital protocol, because of this plaintiff's inability to pay, represents carelessness, and recklessness. Jeude was discharged blatantly unstabilized and with a foreign object in his ear. (that the CT scan clearly revealed on 7-4-22). This object caused a nasty infection requiring additional medical treatment and subjecting Jeude to more severe pain and discomfort.
51. This second best screening had a disparate impact on Jeude. It was detrimental to his health, and did cause further injury and pain. The established protocol, would have identified the foreign object on 7-4-22, (not September) leading to its timely removal and treatment, without the further injury it caused Jeude.
52. Jeude against Defendant Hospital for failing to stabilize his known serious medical condition prior to his discharge.
53. §1395dd(b) provides that St. Clare hospital should have, by law, stabilized Jeude's condition before discharging him and rolling him out into the waiting room to wait on a ride unable to move his arm or walk without assistance, and definitely should not have let Jeude go with the foreign object left in his ear.
See: Pennington - Therman v. Christian Northeast Hosp. (8th Cir)
54. (b) Stabilization Requirement
(1) In general if any individual comes to a hospital and the hospital determines that the individual has an emergency medical condition, the hospital must provide either:
A) Within the staff and capabilities at the hospital for

such further medical examination and such treatment as may be required to stabilize the medical conditions, or

B) For transfer to a facility within the meaning of subsection(C).

55. Koren Schram and her associates seemed to provide some care to Jeude and got him patched up, referred out, and rolled out the door. In obvious pain, unable to walk by himself and of course with a foreign object in his ear canal that everyone except the CIT-Scan missed. They did this according to a plan and procedure that is not normally carried out, unless of course like Jeude on individual presents with similar injuries and they too have no insurance or ability to pay.
56. Jeude is confident that a subpoena'd look look into the records of individuals who, presented with injuries similar to Jeudes who were also victims of motorcycle wrecks, with insurance, will reveal a different screening protocol which consists of more investigative diagnostics and treatments.
57. Instead, Jeude, unable to pay, in obvious pain and dysfunction of body parts and foreign objects left in his body, was discharged unstabilized, in pain and discomfort.
58. St. Clare had a duty to provide Jeude with a uniform medical screening. One reasonably calculated to discover the extent of his injuries, and then medical care commensurate with a reasonable dianosis. Uniform too all individuals who present with similar injuries whether they have insurance or means to pay or not.
59. St. Clare breached these lawful duties it owed Jeude. St. Clare further subjected Jeude to a non-uniform, substandard level of care that failed to fully identify Jeudes serious injuries and then

discharged Jeude fully aware of his inability to move his arm or walk unassisted, with a foreign object in his ear canal which later caused immeasurable pain for days, and residual lingering for weeks.

COUNT III

60. §532 and §538R.S.Mo.

State Law Personal Injury and Medical Negligence Claims

61. Jeude against Defendants; St. Clare Hosp., PA Schram,
Dr. Hrastich, and Dr. John Doe

62. Koren Schram, PA, owed a duty to Jeude, according to law, to provide the same skill set or knowledge, that other prudent reasonable professionals in her field of expertise would have provided any other individual under the same or similar set of circumstances. In breach of that duty, Ms. Schram intentionally chose to deviate from the hospitals established protocols, which provide guidelines and procedures for processing on individual requiring emergency medical care in order to reasonably diagnose and indentify potential life or health threatening injury, because of Jeude's inability to pay.

63. He had Ms. Schram adhered to the established protocol in question, AS she should have done, she more probably than not would have lcoated and indentified the foreign object in Jeude's ear during the required; "Ear, nose, and throat exam," Which usually takes place contemporaneously when triaging the individual during recording of his vital signs, but did not on this occasion, and should have.

64. Secondly, had she followed the established protocols when screening Jeude, Schram would have communicated more information to the

radiologist about key locations and areas of pain Jeude reported. where common sense might cause a person to presume the radiologist might indeed have taken a closer look. Very little is said of any review or comparative of information shared between these two providers, leading one to believe that the objective which should have been to locate, identify and diagnose this patient injuries, wasn't the objective at all. The actions of these providers show the mechanics and motions of what might normally take place, and truly investigating potential threats and hazards. Almost like a practice scrimmage or "dry run."

65. Jeude presented to the ER desk reporting a 50 year old motorcycle accident, victim with obvious abrasions, open wounds, unable to move arm or shoulder and unable to walk unassisted. No health insurance. The potential here for costly diagnostics and treatment is scary. St. Clare wanted no part of this responsibility. After all, anything they discovered or diagnosed, they were obligated to treat, or obvious liability.

66. What happened to Jeude was not accidental, negligent or the wrong choice under due care. This was practically an entire department working in concert together, wittingly or unwitting remains to be proven, but an entire department to provide what appeared to be an appropriate standard of care, but in reality was a farce and in no way intended to reveal or identify the actual injuries Jeude sustained for example, Jeude's shoulder was x-rayed. The x-ray returned unremarkable so no breaks or fractures, but due to the intense, searing pain Jeude reported as constant, and the fact that this injury seriously impacted Jeude's ability to move his body and especially his arm, the investigation should not have

stopped there. But they did. And they did, not because of negligence or accident, but because Jeude was unable to pay for what was potentially to be revealed by CT or MRI. The exam stopped at an x-ray and an arm sling, because St. Clare did not follow the normal and accepted standard of care in this situation, they did not want to provide an MRI and potential immediate surgery in order to stabilize Jeudes emergency condition. So they immobilized the arm, referred him to an orthopedic, and discharged him unstabilized and in obvious completely contradicting their own established procedure for treating someone like Jeude who of course would have presented with health insurance or a credit card.

67 Fiscally it makes perfect sense to do, what the plaintiff has just alleged the defendant of having done. The ER does the bare minimum, makes sure nothing is truly life threatening right then and there, and patches the patient up with a referral knowing exactly what the potential extent of the injury is.

68 Emergency and intricate body parts such as described, could cost over one hundred thousand US dollars instantly. The hospital takes a chance at escaping liability because as this plaintiff can affirm, it is no easy talk to get compensated by a mega corporation that intentioanlly injured you in order to save a few thousand dollars. So they discharge the uninsured, after running a few irrelevant tests which were not geared to actually do what the test is normally intended to do in the first place. Another example: The foreign object was recorded on 7-4-22. On information and belief, this plaintiff believes

the lack of communication evidenced in the medical record between Schram and Hrastich was intentional. On the day the plaintiff presented to the ER, with complaints of someone trying to discover a reason for this pain and injury cant find a foreign object left int he patients HEAD. But come back the following month doing a follow-up or file closure and Wham, there it is plain as day, a foreign object in Juede's ear canal that now all of the sudden we're concerned about.

69. Jeude, upon presentation as an uninsured, unable to pay, indigent patient with potential serious injury and need for corrective surgery or treatment, was immediately provided a screening procedure that as NOT reasonably designed to identify or locate acute serious injury, but only appeared as appropriate, but in reality provided no more information than a patient questionnaire upon requesting the treatment, During Check-in. Jeude was given this substandard, unequal, non uniform method of screening for the simple fact he was indigent and potentially could have cost the hospital thousands if they would have done the established screening protocol that insured or financially able patients normally receive at St. Clare when presenting similar circumstance as that of Jeude.

70. As Jeude's primary during this encounter, Schram set the stage and carried out the entire procedure. It is unknown at this time whether or not Ms. Schram was ordered to apply the 'second best' protocol to Jeude, or if this is an off the record standard event for all non paying patients.

71. Jeude had originally filed suit against the St. Louis Justice Center for the pain he was in and so forth. See: Jeude v City of St Louis 4:22cv989MTS

After filing that suit and gaining information from sources, it became clear and evident, that Jeude was suing the wrong defendant. Had St. Clare provided him with, then no further injury, more probably than not, would have occurred. St. Clare almost scraped by without at least having to answer these allegations.

72. Koren Schram, PA is an employee as contracted provider for SSM St. Clare. She carries liability insurance for negligence and malpractice claims and has therefore waived any Missouri any Missouri immunity privilege. In any event, these acts are alleged as intentional and malicious, and therefore not subject to immunity protection.

73. Schram owed Jeude a duty to provide prudent, reasonable care, commensurate with the standard of care used by others in her field of expertise, and failing and in breach of that duty and intentioanlly deviating from that standard of care, her actions, made in the scope of her employment with St. Clare, were the direct and proximate cause of Jeude's injury, causing pain, suffering and emotional distress. Schram is liable to Jeude for damages.

74. David Brummett
Mathew Hrastich, M.D.

on 7-4-22, team player Dr. Hrastich reports unremarkable x-ray and CT scan viewings of Jeudes body.

76. In sept. of 2022, Dr. Hrastich authors a follow up, and a fellow physician presents at this time, concurs, that; "a slight curvilinear opacification of unknown etiology present the right outer auditory canal, view in clinic..."

77 Accidents happen, physicians work exhausting hours, they are pushed to the edge and past of fatigue, and 99.9% of the time

they do a remarkable job. Fantastic, but accidents happen. This plaintiff is just having trouble differentiating when, what and where the accident occurred. Was on 7-4-22 in not reporting the obvious unknown curved blockage in Jude's right ear, or was the accident in actually reporting it on the record at a later date? Either way it only helps to establish the haphazard and deliberately indifferent attitude and action pertaining to Jude's serious medical needs on 7-4-22 that were intentionally denied him.

78 Dr. Hrastich is a radiologist employed by St. Clare, or contracted by St. Clare, or employed by a company which is contracted to supply radiologist to St. Clare, St. Clare and Hrastich owed Jude a duty to provide prudent, careful radiological services as would any other prudent careful provider in that field of expertise under the same or similar circumstances as Jude. Hrastich, through his negligence, or recklessness or indifference to Jude's welfare, was in obvious breach of that duty. Dr. Hrastich's actions in concert with the other defendants and even more so on his own, was the direct cause of Jude's injury. Dr. Hrastich's failure to provide the services he is contracted and trusted to provide, caused Jude weeks of unbearable pain and suffering. Jude had pain so intense at times he reported as praying for death to come take him if he was able to sleep. Jude was hurt. This injury had an impact on Jude that will last quite awhile. It was the cause of pain, suffering, and emotional distress.

80. These acts were committed by Dr. Hrastich through the scope of his duties to St. Clare, and were reckless and irresponsible.

Hrastich is liable to Jeude for damages.

81

~~Dr. John Doe.~~

Matthew Schwab MD

82.

When hospitals utilize the services of a P.A., a physician, per Missouri statute, is on site and present in the ER. These physicians are required to sign off on all orders and actions taken on a patient by the P.A. This is the "doctor of record" When claims such as the instant case at bar are filed.

83.

Dr. John Doe is ultimately responsible for all the actions Schram took pertaining to Jeude on 7-4-22. Jeude fully incorporates the allegations and statements pertaining to Schram, and fully incorporates them here in this claim against Dr. John Doe.

84.

Dr. John Doe is either contracted or an employee of St. Clare and is a supervisor administrator. He owed a duty to provide, or cause to be provided, and protection from error or negligence. Dr. Doe's actions are grossly negligent and recklessly indifferent.

85.

Dr. Doe is responsible for Jeude's injury. As a result of his tacit approval or direct approval, this plaintiff has reason to believe that Dr. Doe may not have even been present or carried out his duty according to law, on 7-4-22. No one else seems to. And this careless, indifferent attitude toward Jeude's health and welfare were the direct and proximate cause to Jeude's injury. By not executing his job in a reasonable manner and actually oversee and manage and correct Schram's wrongs, Doe is directly responsible for the injury to Jeude. Doe breached the duty he owed the State of Missouri, the hospital, and this patient. He is liable to Jeude for damages.

86.

SSM St. Clare

87.

Respondent Superior-

88. Under the theory, St. Clare owed Jeude a duty to provide appropriate, responsible and prudent management and training of all the personnel performing a service for the hospital relating to medical care of its patients.
89. Jeude fully incorporates the allegations and legal claims in this document as being fully set forth here in this claim against St. Clare.
90. St. Clare miserably failed at managing their providers and allowed them to operate under the normal and accepted standard of care for area units.
91. St. Clare turned a blind eye for to the actions of its employees and did not hold them accountable for the substandard care they provided, even after being placed on notice in the original suit filed by this plaintiff in 2023.
92. Jeude alleges that SSM St. Clare and the individual defendants all have liability coverage for claims and complaints such as the instant case at bar. Missouri immunities are not applicable in this case and are waived.
93. These allegations provide that the defendants jointly are in breach of a duty that was owed to Jeude to provide that knowledge and skill set that other responsible providers in their respective fields of expertise would have provided under the same circumstance. As a result of the defendant's failure to provide that responsible prudent standard of care was seriously injured and suffered pain and discomfort for a needlessly prolonged time.
94. The defendants jointly in concert with and acting together intentionally withheld essential medical care for Jeude's serious medical needs because of his inability to pay. Pursuant

to Rule 8(a)(2), at this stage of the litigation, the plaintiff has put the defendant's on fair notice of what he can prove at trial, and plaintiff is entitled to relief.

95. F. Request for Relief

96. Pursuant to Rule 57 Jeude will seek declaratory relief and incorporate that pleading after discovery if it please the court.

97. A. Jeude against the Defendant Hospital for violations of
of EMTALA,

Count I §1395dd(a) - Jeude is seeking \$25,000
Compensatory Damages.

Count II §1395dd(b) - Jeude is seeking \$25,000
Compensatory Damages.

98. B. Jeude against Individual Defendants including hospital

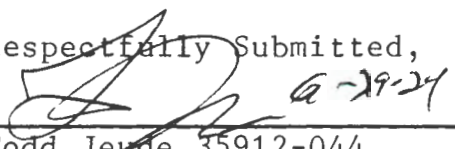
Count III §538R.S.Mo.- Jeude is seeking \$75,000
Total, alternative consistency against
each or all defendants to be deter-
mined by this court's judicial
experience in these matters.
Jeude is seeking compensatory
damages, \$75,000 in total,
a percentage of liability to be
determined by the Honorable
Court.

G. Prayer

99. WHEREFORE, plaintiff Pro Se, prays this Honorable Court enter Judgment in favor of the plaintiff against the defendants and award damages in a fair and equitable amount so as to do justice. Jeude also request reasonable attorney fees and

and costs and any other relief this Honorable Court deems appropriate.

Respectfully Submitted,

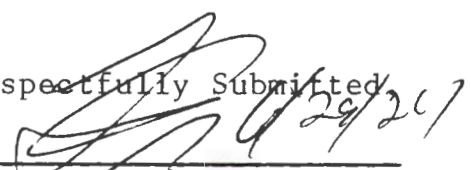

Todd Jeude 35912-044
USP Yazoo City-Medium
P.O. Box 5000
Yazoo City, MS 39194
Plaintiff, Pro-Se
Tjeude1973@gmail.com

100.

H. Affirmation

Under pains and penalty of perjury, I Todd Jeude, Plaintiff in the above action, do certify and affirm that the contents and statements to be true and correct. Pursuant to 28 USC §1746.

Respectfully Submitted,


Todd Jeude 35912-044
Affiant/Plaintiff